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SP02-274

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOWNIE JOHN D, et al

Serial No: 10/677450

Examiner: Unknown

Filed: 10/2/2003

Group Art Unit: 2877

For: METHOD FOR ESTIMATING BIT ERROR  
RATIOS WITHIN AN OPTICAL COMINFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.56, 1.97 – 1.98Mail Stop Amendment  
Commissioner of Patents  
Alexandria, VA 22313-1450

Dear Sir:

The Examiner's attention is hereby directed to the following reference(s) listed on the attached Form PTO-1449 for consideration in connection with the examination of the above-identified patent application.

Each of the enclosed reference(s) was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the enclosed documents constitute "prior art." If it should be determined that any of the submitted documents do not constitute "prior art" under United States law, applicant(s) reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

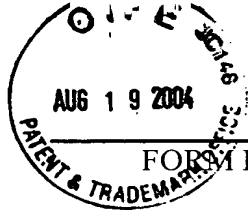
Applicant(s) further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the enclosed references, should one or more of the references be applied against the claims of the present application.

Respectfully submitted,

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Date: 8/16/04

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8/16/04	
Date of Deposit	
Philip G. Alden	
Name of applicant, assignee, or Registered Representative	
Signature	
8/16/04	
Date of Signature	



SP02-274

FORM PTO-1449 (MODIFIED)

ATTORNEY DOCKET NO.

SERIAL NO.

LIST OF PATENTS AND  
PUBLICATIONS  
FOR APPLICANTS INFORMATION  
DISCLOSURE STATEMENT

SP02-274

10/677450

APPLICANT DOWNIE JOHN D, et al.

FILING DATE 10/2/2003

GROUP: 2877

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date if Approp.
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub-Class	Translation Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							
	AQ							

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	Downie et al.; "Performance monitoring of optical networks with synchronous and asynchronous sampling"; Optical Fiber Communication Conference; March 17-22, 2001; Volume 54
	AS	Li, Jinhui et al; "Q factor on-line detection in optical fiber lans"; International Journal of Infrared and Millimeter Waves; Vol. 22, No. 5, 2001; pages 715-722.
	AT	
	AU	
	AV	
	AW	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609: draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.